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November 16, 2006

John F. Gleavy, Esq. **Fax: (508) 230-2510**  
Bruce R. Fox, Esq. **Fax: (508) 832-5716**

**Re: Mary Smith v. David Nicholson, et al**  
**USDC No. 04CV10632MEL**

Dear Attorneys Gleavy & Fox:

I have received your proposed scheduling guidelines and cannot agree to extend the time for the Trial Date in this matter beyond April 16, 2007. At that point it will be almost five years since my mother's injury. Judge Lasker admonished us, in August of 2004, to move this matter along with no delays. Our extended discovery then followed. My mother's health continues to deteriorate. She requires daily nursing care, and she will be 89 in May of 2007. I cannot agree to extend this litigation any further.

Ideally, I would like my proposed scheduling dates to be adopted, but I am willing to agree to the following dates:

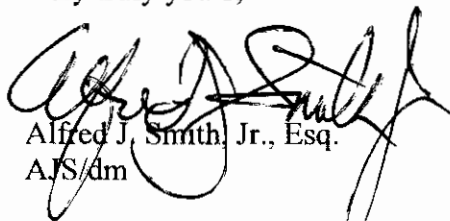
Filing of Dispositive Motions – December 31, 2006  
Filing of Response to Dispositive Motions – January 21, 2007  
(Then following Judge Lasker's Ruling)  
Mediation Hearing – February 26, 2007  
Pre-Trial Conference – March 15, 2007  
Trial Date – April 16, 2007

It is possible that this matter will be resolved at Mediation. If not, we should know it that day and can begin our preparation for trial. I can't see any reason for a one month delay between Mediation and Pre-Trial.

I have not received Attorney Roussos' proposed scheduling dates so I have no idea of her agreement with, or conflict with, the above dates.

Please let me hear from you on these dates as soon as possible. If we can't agree on dates, I plan to report that fact to Judge Lasker by November 30, 2006.

Very truly yours,



Alfred J. Smith, Jr., Esq.  
AJS/dm

cc: Kim M. Roussos, Esq. **Fax: (617) 523-7602**